

**STATEMENT OF NATHAN M. FROHLING
Lower Connecticut River Program Director
The Nature Conservancy, Connecticut Chapter
Before the Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
United States House of Representatives
April 17, 2007**

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's testimony in strong support of H.R. 986, legislation to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

The Nature Conservancy is an international, non-profit organization dedicated to the conservation of biological diversity. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Conservancy has approximately 1,000,000 individual members and programs in all 50 states and in over 30 foreign countries. To date, we have protected more than 15 million acres in the 50 states and over 117 million acres globally.

As Lower Connecticut River Program Director, I lead The Nature Conservancy's efforts to conserve the Eightmile River Watershed. The Eightmile's 62-square mile watershed is part of the larger and internationally significant ecosystem of the Lower Connecticut River region. Both the Eightmile and Lower Connecticut are top priorities for The Nature Conservancy. In the late 1990's, The Nature Conservancy and University of Connecticut let a joint effort called the "Eightmile River Project" to study and map the watershed and explore community-based strategies for protecting it. A primary outcome of this project was community interest in pursuing Congressional Wild and Scenic River designation for the Eightmile. I testified before Congress on behalf of this effort in 2001 and have participated actively over the last 5 ½ years as a member of the Eightmile River Wild and Scenic Study Committee, serving as Chairman of the Management Subcommittee, as a member of the Executive Committee and as Vice Chair of the full Committee.

The Eightmile River is a National Treasure

The Eightmile River is a national treasure because it is one of the last and best examples of an intact, near-coastal river system on the East Coast of the United States, particularly along the Northeast coast. It is uncommon to find an aquatic ecosystem which is highly intact throughout its range, particularly at the scale of the Eightmile River Watershed, and particularly in the highly populated and developed coastal region from Washington D.C. to Boston. From rare species and natural communities to a high quality wetland and watercourse system to extensive, intact forest habitat, the Eightmile is such an example; it is a rare gem of nature.

The Eightmile is also exemplary in providing a high quality of life for its residents and visitors. It is a rural landscape with great scenic beauty and offers an abundance of recreational opportunities. It offers excellent fishing and boating including power and sail in the river's one-mile long Hamburg Cove section. Hiking, sightseeing, hunting, and nature observation are among the popular activities in the Eightmile at State and Town Forests, Devil's Hopyard State Park, and many publicly available nature preserves owned by The Nature Conservancy and local land trusts.

The Eightmile name is based on the distance between its mouth at the Connecticut River and Long Island Sound. The river system is dominated by the 10 mile East Branch, the 10 mile West Branch, and the 5 mile main stem. There are major tributaries such as Beaver, Harris, and Falls Brook. The towns of East Haddam, Salem and Lyme make up the Eightmile Watershed.

Threats to the Eightmile River Watershed:

The greatest threat to the special attributes of the Eightmile River and its watershed is incremental, unplanned growth. Between 1985 and 2002, the Eightmile towns of East Haddam and Lyme each experienced an 11% increase in developed acreage and in Salem, a 23% increase. Unmanaged development typically results in landscape and habitat fragmentation, the loss of water quality, the loss of important species and natural communities, the intrusion of undesirable nuisance species, the loss of the cultural landscape – in short, loss of the Watershed's outstanding resource values. Change and growth is inevitable; the challenge for the Eightmile is whether this growth will be managed to protect and sustain its outstanding resources. There are other potential threats such as the excessive diversion of water or poorly managed resource extraction.

Community Desire: "Protect What we Have:"

During the Eightmile River Project conducted in the mid to late 1990's and the Eightmile River Study conducted since 2001, and in the course of numerous meetings and presentations, there has been a clear message from the communities of Salem, East Haddam and Lyme: "we cherish what we have, we don't want to lose it, we don't want it to change for the worse as so many other places have in Connecticut, the Eightmile River and its landscape is what characterizes and gives meaning to where we live." There has been recognition that without a pro-active effort to protect what is special, the special qualities of the area would be lost or seriously degraded, whether unintentionally, incrementally or directly. The question early on was "how can we realize a collective vision to save this region, especially when we are set up to work as independent and often competitive towns?"

Wild & Scenic River Designation the Chosen Strategy:

Congressional Wild and Scenic River designation was enthusiastically chosen as the best strategy for protecting the Eightmile River, its Watershed and realizing the community goals mentioned above. Highlights of why the Wild and Scenic River designation strategy was chosen include:

- ◆ The Wild and Scenic River process provides the structure, expertise, funding and facilitation needed for the communities to come together and collectively identify the issues and goals they

have for the resource, and to set forth the means for meeting those goals. By adding the “higher purpose” and honor of national recognition and focusing citizens around a common and clear goal, the Wild and Scenic process could (and did) serve as a catalyst for local, community-based action and self-determination.

- ◆ A Wild and Scenic River designation, if achieved, would offer important protections not otherwise available locally or through the State of Connecticut. Federally funded or permitted water resource related projects that would have a direct and adverse impact on the river would not be allowed under designation. There are several threats to the Eightmile where this may be important including, for example, adverse water diversions.
- ◆ The Study would (and did) provide a greater level of scientific information than could otherwise be achieved, which will be useful for future decision-making.
- ◆ A Wild and Scenic River study represents the potential to bring in needed funds to support the community-based protection process that has been identified.
- ◆ The Wild and Scenic River designation process would be built on local control. The ability to maintain local control over land use decisions is key.
- ◆ Designation would facilitate long term coordination and consensus building among the towns and further heighten public awareness and citizen commitment to long term protection.

Watershed Approach:

It was decided early on to pursue a watershed-based Wild and Scenic designation rather than focusing on discrete segments of the river. This approach was motivated by the exemplary quality of the watershed itself. It also allowed consideration of the important and intricate connection between the upland areas of the watershed and Eightmile streams and wetlands. Additionally, this approach would be the most realistic vehicle for communities to sustain the quality of the landscape of the Eightmile region as a whole. The Eightmile experience might also serve as a model to other communities interested in working together on a regional basis to address issues such as sprawl.

Outstandingly Remarkable Values:

Six “Outstandingly Remarkable Values” were established for the Eightmile River system during the Eightmile Wild and Scenic River Study. Numerous scientific and technical studies were conducted in support of establishing these values. They form the basis for the Eightmile River’s *Eligibility* for Wild and Scenic River designation and include:

Watershed Hydrology: The Eightmile River Watershed hydrologic regime operates without major impediments or influences – and as such is a naturally functioning system. More specifically, there are no surface water diversions, no dams which regulate flow, there are no direct point source discharges from industry or wastewater treatment plants and the level of impervious land cover is low at only 3% watershed-wide. There are high levels of forest cover coupled with low levels of development.

Water Quality: Water quality and aquatic habitat in the Eightmile River Watershed is not only locally exemplary, but as good as the best rivers studied in the state. In addition, the two primary threats to water quality, point source and non-point source pollution, are almost nonexistent. All waterbodies in the watershed evaluated by the state fully meet their water quality

use goals, and none are considered impaired; 92% of the watershed's streams and 99% of the ground water meet the state's highest water quality classification criteria. Chemical and biological indicators reveal that water quality and aquatic habitat are exemplary. Riparian corridors are highly intact and continuous and 80% of the watershed is forested and less than 7% developed.

Unique Species and Natural Communities: The combined rarity, abundance and diversity of species and natural communities in the Eightmile River Watershed is unique and exemplary within Connecticut and throughout New England. The Eightmile River Watershed ranks in the top 5% of New England's watersheds for having one of the highest concentrations of rare species. A total of 155 "at-risk" plant and animal species occur in the watershed, including 32 vascular plants, 6 amphibians, 81 birds, 8 fish, 12 invertebrates, 7 reptiles and 9 mammals. There are 5 globally rare species and 54 occurrences of state-listed rare plants, eleven of which are also rare for New England. There are over 100 occurrences of "significant" natural communities in the watershed and 18 natural communities were found to have exemplary biodiversity. Extensive, native beds of submerged aquatic vegetation, the healthy presence of native fresh water mussels and other small aquatic organisms such as mayflies, damselflies, dragonflies, beetles, snails, etc. are further indicators of overall ecosystem integrity.

Geology: In the Eightmile, a combination of an exceptional bedrock assemblage, an atypical local topography and exemplary evidence of glacial action creates a distinct local representation of the geology of Connecticut.

The Watershed Ecosystem: This is the "holy grail" of the outstandingly remarkable values in that the entire Eightmile River Watershed ecosystem remains highly intact and as mentioned above, this is a rare characteristic. The high quality of the system is also a reflection of the quality and summation of its interacting sub-ecological features. Some of the features noted include: 1) 72% of the watershed consists of large, connected roadless blocks of habitat (>1000 acres), 2) nutrient and energy cycles critical for plants, animals and water quality are intact, 3) over 80% of the watershed is forested, 4) the high density of rare species, 5) minimal impacts from invasive species, 6) outstanding interior nesting bird habitat associated with the large, intact forest, 7) the natural hydrological system and flow regime that supports riparian communities dependent on periodic flooding and natural scour processes, 8) high water quality, etc.

The Cultural Landscape: This outstanding resource value is a reflection of the bucolic, rural landscape and special places created by human interaction with the environment. In the Eightmile this includes a landscape dominated by scenic views and vistas, historic features such as old colonial homes and churches, stone walls, cemeteries and the lack of modern development and transportation patterns. Lands adjacent to the Eightmile River also have a high potential for intact archaeological resources.

What has been Achieved:

Outreach and Community Process:

During the Wild and Scenic Study, a major outreach effort was implemented to assess social needs, facilitate citizen input, clarify community goals regarding the Eightmile River Watershed and to inform the public about the Wild and Scenic process. Examples include:

- Community Meetings: Numerous meetings held in each of the three towns covering the full range of topics from the background and history of the project to discussion of the Outstanding

Resource Values to the watershed management framework. Particular attention was paid to feedback on the types of management tools citizens would support.

- Land Use Commissioners Summit: Attended by over 40 local land use decision-makers, this was a 4-hour facilitated work session which provided critical input into the formation of the management plan.
- Community Open House: This event was widely publicized and drew nearly 150 people; soliciting feedback from the public was a primary objective.
- Newsletters: six “update” newsletters were sent to riverfront landowners and the Eightmile subscriber list.
- Mailings to all Town Residents: invitations to the community forums and community open house, a special newsletter leading up to town votes and vote notices were sent to all residents of all the towns.
- Letter to 200 Riverfront landowners: This letter included a brochure on the Eightmile Wild and Scenic River Study and solicited their feedback and input into the Study process.
- Fairs and Events: Local fairs and events were staffed by Wild and Scenic representatives; a kick-off event for the Study was held at Devil’s Hopyard State Park and attended by dignitaries such as Senator Dodd and Congressman Rob Simmons.
- Brochures and pamphlets: These were distributed to libraries, stores and other locations.
- Press Releases and signage: These were used to inform the public of Study progress, opportunities for input and votes regarding designation and the management plan.

Recognition that Existing Protection is Strong:

Careful analysis conducted as part of the Wild and Scenic Study revealed that existing protection is strong. Quoting from page 22 of the Study Committee Report, “Currently there are strong protections in place for the Eightmile River Watershed. These protections include: local, state and federal statutes and regulations that directly protect the waterways and adjacent lands, large amounts of conserved land and open space, many non-profit and governmental supporting organizations, landscape features that do not promote development, and a strong desire by local citizens to preserve the resource values of the watershed. Together with a locally administered watershed management plan, these existing protections are found to meet the suitability criteria for designated segments recommended for Wild and Scenic River designation.” The towns, local land trusts, The Nature Conservancy and State have permanently protected over 31% of the watershed (over 12,500 acres) and 25% of all river frontage within 100 feet of the 160 miles of river and stream within the watershed. Approximately 3000 acres were protected during the period of the Study (2001 to 2006).

Eightmile River Watershed Management Plan:

A comprehensive watershed management plan was prepared and endorsed during the Study. It is the blueprint for enabling the 3 towns to collectively realize their vision for protecting the outstanding qualities of the Eightmile River Watershed. The content of the management plan reflects the many hours of research, analysis, planning and most of all – discussions with and input from citizens and town boards and commissions - it is the culmination of the Study at the local level. The Plan also helps fulfill the suitability criteria for designation by providing a management framework that brings key river interests together to work toward the ongoing protection of the river and watershed. An advisory Coordinating Committee has been set up to assist in implementing the management plan including facilitation of communication and consensus building. Key management issues addressed by the plan include riparian corridor protection, open space

conservation of key habitats, limiting adverse impervious land cover, municipal stormwater management and best management practices for stormwater system and stream crossing design.

The plan is a set of near and long term recommendations - it does not create any new authorities and its implementation is done locally and at the discretion of the local communities. The power behind the plan stems from the investment made by each town in creating it and ultimately by its formal endorsement by town boards and citizens. All three towns have begun to voluntarily implement the Plan prior to achieving designation because of their desire to continue moving toward their community goals. Designation remains key however, because designation is an important component of the overall framework for achieving long term protection and it represents a reward for the town's "doing their part."

Protection of Landowner Interests:

Assuring that landowner interests would be respected was a major tenant of the Wild and Scenic Study process including development of the management plan and designation legislation. At the top of the list is that designation would be conditional on assuring that the "provisions of section 6(c) of the Wild and Scenic Rivers Act that prohibit Federal acquisition of lands by condemnation shall apply to the Eightmile River," which is the wording of the proposed legislation. Secondly, as mentioned above, the management plan is developed locally and its implementation is locally led and at the discretion of the local communities. Thirdly, the recommendations in the management plan were evaluated in terms of their potential impact on landowners and adjusted as necessary to assure that if implemented they would not pose an unreasonable burden or hardship. Also, the management plan was designed to be flexible and anticipate that the specifics of potential measures might be adjusted to take into account the "reality on the ground" at the time of implementation. Communication with riverfront landowners was a consistent and important part of the conduct of the Study. Ultimately, votes by the town land use boards and citizens served as the most direct expression of support for the designation and proposed protection measures. In general, as indicated through citizen votes, community input, discussions and neighbor to neighbor contact, the clear majority of landowners recognized that the potential implications of implementing the management plan would entail at worst the prospect of making relatively small concessions in exchange for the larger benefit of sustaining overall neighborhood and community quality.

Strong Support for Designation and Management Plan:

Consistent with the history of the project and its origins, there is overwhelming, widespread support for Eightmile Wild and Scenic River designation. In the winter of 2006, the towns of East Haddam, Lyme and Salem held town meeting votes so that citizens could vote on whether to endorse the Eightmile River Watershed Management Plan and Wild and Scenic designation. These votes were attended in large numbers. In Salem the First Selectman claimed that it was the largest turnout for a town meeting. All of the towns had votes which were strongly in favor of endorsement - in total the votes were nearly unanimous. All town First Selectmen, land use commissions and boards of selectmen as well as the Wild and Scenic Study Committee voted to endorse the Management Plan and designation. Prior to and during the course of the Study many civic and non-profit groups have expressed their support for the Study and/or designation through letters, resolutions and other forms of endorsement. Individuals, landowners and river fronting landowners have also expressed support. Please see attachment.

The State of Connecticut Legislature endorsed designation and the Management Plan by passing Public Act No. 05-18 "An Act Concerning Designation of the Eightmile River Watershed Within the National Wild and Scenic River System" which was signed into law by Governor Jodi Rell at a riverside ceremony.

The Eightmile designation has been and remains a bipartisan endeavor. Republican Rob Simmons introduced the Study Bill in 2001 and introduced a designation bill just before the end of the 109th Congress. Democratic Congressman Joe Courtney has introduced H.R. 986 and has the full support of the Connecticut Delegation, both republicans and democrats. Senators Dodd and Lieberman have been strong supporters since the beginning in 2001.

Finally the newspapers have followed the Eightmile Project and the Wild and Scenic Study. There have been numerous articles about the project and strong editorial endorsements for designation. Examples are summarized in the attached exhibits.

The Time for Designation is Now!

With 10 years of work into the effort to save the Eightmile River Watershed including the past 5 years during the Wild and Scenic Study, the communities have done their part and are anxious to complete this final critical step of obtaining Wild and Scenic River designation. They see the federal role as an inherent part of the collective multi-party approach to protecting the resource. In order to continue making the commitment of time and resources, local communities need to know their federal partner will in fact come through too and allow the full partnership to be established. Noting that 2008 is the 40th anniversary of the Wild and Scenic Rivers Act, those involved in the Eightmile effort would greatly appreciate the honor of being one of the rivers who receive designation within the Act's first 40 years!

Thank you very much for the opportunity to testify in support of H.R. 986. I urge the committee's favorable consideration of this important legislation. I would be happy to answer any questions from Members of the Committee.

Attachment:
Sample List of Eightmile Wild and Scenic River Supporters
 (through letters, resolutions, or other forms of endorsement):

Town Leaders:

Lyme Selectmen
 East Haddam Selectmen
 Salem Selectmen

Town Commissions:

Lyme Conservation and Inland Wetlands Commission
 Lyme Planning and Zoning Commission
 Lyme Open Space Committee
 East Haddam Planning and Zoning Commission
 East Haddam Economic Development Commission
 East Haddam Inland Wetlands and Watercourses Commission
 East Haddam Conservation Commission
 East Haddam Open Space Commission
 East Haddam Historical District Commission
 Salem Planning and Zoning Commission
 Salem Inland Wetlands and Conservation Commission

Community-based Committees:

Eightmile River Wild and Scenic Study Committee; (2002 – 2006)
 Eightmile River Wild and Scenic Coordinating Committee; (2006 – present)
 East Haddam Community Planning Group; Deb Matthiason, Project Assistant

Community Civic Organizations:

Auxiliary of Lyme Fire Company
 Bashan Lake Association, East Haddam
 East Haddam Civic Association
 Federated Garden Club
 First Congregational Church of Lyme
 Friends of Devil's Hopyard
 Jewish Federation of Eastern Connecticut
 Lyme Cemetary Commission
 Lyme Garden Club
 Lyme Library and Lyme Public Library, Inc.
 Lyme Lions Club
 Lyme Public Hall Assoc., Inc.
 New Haven Hiking Club
 Salem Democratic Town Committee
 Salem Historical Society

River Fronting Property Owners:

Andrew Zemko, Salem
 Anthony Irving, Lyme
 Betsy Woodward, Lyme
 Bill Cuddy, East Haddam
 Charlotte Barringer, Lyme
 David and Anne Bingham, Salem
 Dr. Richard Goodwin, Salem
 Fritz Gahagan, Lyme
 Jack Bodman, Salem
 John and Barbara Kashanski, East Haddam
 Karen Dahle, Lyme
 Marilyn Wilkins, Lyme
 Maureen and Chris VanderStad, East Haddam
 Mike and Faye Richardson, Lyme
 Roger Dill, Lyme
 Sue Hessel, Lyme
 Vivien Blackford, East Haddam

Town Residents:

Anita Ballek
 Ann M. Kilpatrick, East Haddam
 Betty Cleghone, Lyme Garden Club member
 Janice and Richard Anderson, Lyme
 Leslie Shaffer, Lyme
 Mary Catherwood, Lyme
 Mary Platt, Lyme
 Sebyl Martin, East Haddam

Conservation Organizations:

American Rivers
 Audubon Connecticut
 Connecticut Botanical Society
 Connecticut River Watershed Council
 East Haddam Land Trust
 Fisheries Advisory Council
 Lyme Land Conservation Trust
 Potapaug Audubon Society
 Salem Land Trust
 Southern New England Chapter, American Fisheries Society
 The Connecticut River Salmon Association
 The Connecticut River Watershed Council
 The Nature Conservancy
 Wind Over Wings